

### **REMARKS**

Previously, claims 1-15 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 1, 2, 5, 7, 9, and 12 are amended, and claims 3, 4, 6, 8, 10, 11, 13, 14, and 15 remain the same.

The claims of this application have been amended so as to focus more accurately upon the subject matter of this invention, comprising a remotely operated sealable tank cover secured at two radial locations. The controller of the present invention locks and unlocks then closes and opens the cover separately and in sequence.

First, the Matye patent, No. 5,937,581 shows an automated hatch opening device for hopper cars. The '581 patent has a shaft 18 that turns to unlock the hatch first and then open the hatch second for opening or turns to close the hatch first and then lock the hatch second for closing. In contrast, the present invention has separate cover and lock activators which energize separate cover and lock actuators. The cover and lock activators and actuators are not linked by an arm as in the '581 patent. The present invention activates then actuates the locks then activates and actuates the cover for opening or activates and actuates the cover for closing then activates and actuates the locks.

Then the '581 patent has a bladder 32 that seals between an inner annular flange 128 and an annular wall 12A'. The bladder inflates to fill the gap between the flange, wall, and cover. More particularly, the bladder seals the generally right angle joint of the cover to the wall on the interior of the wall. Without inflation, the bladder rests between the wall and the annular flange which allows some infiltration between the cover and the wall. In contrast the present invention has a bladder joined beneath the rim of the lid. Upon closing the lid, the bladder rests upon the top edge of the wall or neck 7. The bladder can be inflated to completely seal the cover to the neck. Without inflation, the bladder rests upon the neck and provides an initial seal of the cover to the wall.

Second the '581 patent uses automated in its title. The examiner views automated as meaning the device opens upon remote command by an operator. The '581 patent describes a switch thrown by an operator in a truck cab as operating the device, see col. 6 line 58. Applicant asserts that automated includes locking and unlocking the cover in mechanical cooperation with opening and closing the cover as previously described in the '581 patent. In contrast, Applicant uses radio control to operate the locking and opening mechanism where the switch in the '581 patent likely infers a wired connection to the device.

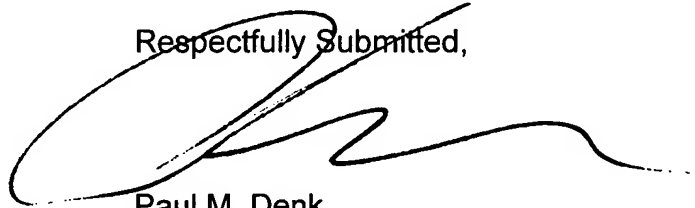
Third, the Ward patent, No. 5,359,942 shows a system for positioning hopper car doors by remote control. The '942 patent discloses a hopper car with underbelly doors operated pneumatically. The pneumatic system also powers a motor and generator to produce electrical power for a radio frequency remote operator station and on board controller both cooperating to control the doors. The '942 patent discloses a toggle switch 97 that requires an operator to press the switch during the entire opening and closing of a door, see col. 10 line 28. The '942 patent does not discuss sealing the doors and control of the seal. However, the present invention has a controller that coordinates inflation and deflation of a seal with closing and opening a door, automatically. The switch assembly of the present invention merely requires an operator to indicate open or close and the controller completes the task. The operator need not depress the switch during the entire opening or closing operation. Claims 1, 2, 7, and 12 are amended to incorporate the controller regulating the seal, switch moving between open and closed positions without intermediate steps, and the use of indicator lights upon the controller.

This application as amended withstands the prior art as cited by the examiner, whether the prior art be applied individually, or in combination, for use either anticipating or rendering obvious the claimed subject matter of the applicant's invention. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See the cases of

*Ex parte Beuther*, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', with a large, sweeping loop at the beginning and a horizontal line extending to the right.

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